

Barry Cadden and New England Compounding Center –
Advisory Letter: dated—9/30/2004,
RE Dkt. Nos. DS-04-062 & SA-04-161



The Commonwealth of Massachusetts
Executive Office of Health and Human Services
Department of Public Health

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GOVERNOR

KERRY HEALEY
LIEUTENANT GOVERNOR

RONALD PRESTON
SECRETARY

CHRISTINE C. FERGUSON
COMMISSIONER

Board of Registration in Pharmacy
239 Causeway Street, 5th Floor
Boston, MA 02114
(617) 727-9953

In the Matter of:)
New England Compounding)
Center)
697 Waverly Street)
Framingham, MA 01072)
Registration No. 2848)
& Barry Cadden, R.Ph.)
License No. 21239)

Docket No. DS-04-062
SA-04-161

ADVISORY LETTER

The Board of Registration in Pharmacy ("Board") received complaints from an Iowa pharmacist and Wisconsin Pharmacist alleging that Barry Cadden, R.Ph., License No. 21239 ("Registrant") and New England Compounding Center, License No. 2848 (the Pharmacy) were soliciting out of state prescriptions for office use and using a form unapproved by the Department of Public Health and Board.

The Board has carefully reviewed the investigative reports and other information provided by the parties regarding the Complaint. The Board determined on September 21, 2004, the Complaint should be resolved by the issuance of this **Advisory Letter** regarding the filling of the prescription in this matter. Although an Advisory Letter does **not** constitute disciplinary action, this letter does communicate the Board's concern regarding the conduct that was the basis for the Complaint. The Board expects a dedicated company response and employee counseling where appropriate to insure that the factors contributing to the complaints are identified and that appropriate quality assurance measures are implemented to reduce the risk of recurrence of this type of incident.

The Board also determined that to close this matter without formal disciplinary action, the Pharmacy must **within thirty days of the date of this letter cease using the**

"purported prescription form", as it is not compliant with 105CMR § 721.030 et seq and G.L. c. 112 § 12D.

Please be advised that any failure of the Pharmacy to comply with any of the terms or conditions of this Advisory Letter may be a basis for the Board to reconsider this matter and reopen the Complaint.

BOARD OF REGISTRATION IN PHARMACY


James T. Devita, R.Ph., President

Date: September 30, 2004

cc: Complainant

Board Dec. No.
